

## PATENT

## REMARKS

Claims 1-3, 9-18, 20-32, and 34-39 are pending in the application. In the above amendments, claims 1, 2, 9, 18, 21, 22, 25-29, 31, 35, 36, 37, and 38 have been amended. Claims 4 and 33 have been canceled, without prejudice. These claims have been canceled to expedite prosecution of the present application. These claims are not canceled for reasons related to Patentability. In the Office Action mailed 19 October, 2004 the Examiner rejected the claim 4 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 4 has been canceled.

Applicants respectfully respond to this Office Action.

Claims Allowed

Claims 13-17 are allowed. Applicants appreciate Examiners allowance of claims 13-17.

35 U.S.C. § 102 (e)

Claims 1, 3, 28, 36, 38, and 39 are rejected under 35 U.S. C. 102(e) as being anticipated by Kumar (US 6,757,270).

Claims 29-31, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Felix (US 6,233,231).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (July 1998) (citing Verdegaa Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Applicant's respectfully submits that Claims 1, 3, 28, 29-31, 34, 35, 36, 38, and 39 are not anticipated by Kumar and or Felix for the reasons and explanations set out below, and Applicant's respectfully request reconsideration of Examiner's rejections.

The discussion that follows is carried out with respect to claim 1, but the discussion applies to independent claims 2, 27, 28, 29, 31, 35, 36 and 38 as well.

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With respect to claim 1, Applicant's respectfully submit that amended claim 1 is not anticipated by Kumar and or Felix. In particular, Kumar and/or Felix do not disclose or teach the following element of claim 1:

"a forward link signaling channel within the plurality of transmission channels, the signaling channel being assigned to message transmissions, wherein each message indicates the target recipient of the packet data, the transmission channel or channels for transmission of the packet data and the coding used."

Applicant's carefully reviewed Kumar and Felix and could not find any disclosure where the forward link signaling channel message included an indication of the channel or channels for transmission of the packet data. Claims 1, 2, 3, 9, 28, 29-31, 34, 35, 36, 38 and 39, as amended, include this limitation. Thus, claims 1, 3, 28, 29-31, 34, 35, 36, 38 and 39 are in a condition for allowance. Claims 10-12 depend from independent claim 9, and it follows that claims 10-12 are also in a condition for allowance. Claims 30 and 34 depend from independent claim 29, and it follows that claims 30 and 34 are also in a condition for allowance.

With respect to claim 18, Applicant's respectfully submit that amended claim 18 is not anticipated by Kumar and or Felix. In particular, Kumar and/or Felix do not disclose or teach the following element of amended claim 18:

"a forward link signaling channel within the plurality of transmission channels; the signaling channel being assigned to message transmissions, wherein a message corresponds to a packet transmitted on one of the first set of channels, and wherein the message identifies a parameter of the packet, wherein the parameter includes at least one of the following: the identity of the target recipient, the transmission channel or channels for transmission of the packet data, and the coding used."

Applicant's carefully reviewed Kumar and Felix and could not find any disclosure where the parameter of the packet included at least one of the following: the identity of the target recipient, the transmission channel or channels for transmission of the packet data, and the coding used.

Claims 18, 21, 22, 26, and 37 as amended, include this limitation. Thus, claims 18, 21, 22, 26, and 37 are in a condition for allowance. Claims 20 and 23-25 depend from independent claim 18, and it follows that claims 20 and 23-25 are also in a condition for allowance. Claim 32

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depends from independent claim 27 and it follows that claim 32 is also in a condition for allowance. Claim 39 depends from independent claim 38, and it follows that claim 39 is also in a condition for allowance. Applicant's respectfully request reconsideration of the Examiners rejections.

35 U.S.C. § 103 (a)

Claims 2, 4, 9-11, 18, 20-22, 24, 26, 27, 32, 33, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar in view of Felix (US 6,233,231).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach each or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure". *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to claims 2, 4, 9-11, 18, 20-22, 24-27, 32, 33 and 37, Applicant's submit claims 2, 4, 9-11, 18, 20-22, 24-27, 32, 33 and 37 are rendered obvious by Kumar and/or Felix for the reasons and explanations set forth above. Applicant's respectfully request reconsideration of claims 2, 4, 9-11, 18, 20-22, 24-27, 32, 33 and 37 in view of the above discussion.

Specification

Applicant provides herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicant believes these changes add no new matter to the application and are fully supported by the original disclosure.

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## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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